

The above amendments have been made in an effort to more clearly describe the present invention. Antecedent basis for the amendments may be found generally in the specification and, for example, as follows:

- 1) placing only the first wager, yet having the capability of playing the second game – Page 20, lines 3-27).

### **SUMMARY OF THE REJECTIONS**

**Claims 20-26 have been rejected under 35 U.S.C. 102(b) as anticipated by Netley or Ornstein.**

#### **The Rejection under 35 U.S.C. 102(b) over Netley**

The rejection asserts that Netley shows a method of playing a poker game comprising the steps of wagering for each game (column 3, lines 13-14), playing at least two games (abstract), being allowed to play a second game if the player wins the first game (column 2, lines 65-67), awards being available for each of the two hands (column 3, lines 27-31) and a bonus (column 5, line 39). This rejection is respectfully traversed.

Claim 20 originally described the placement of a first wager and did not require the placement of further wagers or placing winnings at risk to play the second game. That fact has been further clarified in the claims. Netley requires that a second wager be placed after winning the first hand, which includes putting a portion of the winnings from the first hand at risk. Netley does not teach the placement of an at least first bet and then providing the player with the opportunity (not merely the option which must be exercised by an additional wager)

“...to play a second game of poker without placing further wagers;...”

That is a substantively different format of play recited in the claims than is taught by Netley. This limitation means that after the at least first wager (this term allows a single wager, a double wager on the first and second game, and a triple wager on the first, second and bonus play), the player may play the second game without being able to place another wager. Netley appears to require the placing of a second wager (either as a separate bet or as part of the original winning payout in the play of the first game) after winning the play of the first game. This step of Netley

is excluded by the recitation of claim 20. Therefore the rejection of claims 20-26 under 35 U.S.C. 102(b) over Netley is clearly in error.

**The Rejection under 35 U.S.C. 102(b) over Ornstein**

Ornstein fails to anticipate the present invention. The present claims 20-26 require (through limitation e) in claim 20) that:

- e) "...if the player attains a hand in the second game of poker that also exceeds said predetermined rank, **a payout is achieved for a) the rank of the first poker hand, b) the rank of the second poker hand, and c) the occurrence of both the first poker hand and the second poker hand exceeding a specific rank.**

Ornstein pays for winning the first hand and then pays a bonus for winning the consecutive number of games wagered upon. There is no payoff merely for winning a second game on an original wager. As with Netley, Ornstein specifically states that subsequent game wagers are placed at the start of each game, after conclusion (and winning) of the first game. Note especially claim 1, and in particular, step (i) in which step (b) ("...the player making a conventional bet of a denomination within the denomination range permitted by rules of the game...) is repeated after winning the first hand. This requires that a new wager be placed on the basic game after each win. This is specifically excluded from play of the present game, as noted above in the discussion with respect to Netley.

Additionally, there is no specific disclosure of the method of play by Ornstein in a poker variant of the game. There is therefore no basis for anticipation of the limitation regarding awarding wins on the basis of predetermined ranks of poker hands. That teaching is absent from Ornstein, and therefore Ornstein cannot anticipate claims 20-26.

The rejection of claims 20-26 under 35 U.S.C. 102(b) over both Netley and Ornstein is clearly in error and must be withdrawn.

**Claims 1-19 and 27-30 have been rejected under 35 U.S.C. 103(a) as unpatentable over Moody in view of Ornstein.**

In addition to the fatal defects noted above with respect to Ornstein alone, Moody adds even further differences from the present invention so that even if the references are combined, they do not provide teachings of the present invention.

To begin with, Moody does not teach consecutive games in which play of second, third, etc. games are dependent upon the winning of a first hand. Moody teaches the play of multiple games simultaneously. Note column 1, lines 29-42 where cards are duplicated among contemporaneously disclosed hands, cards are dealt to multiple rows on the screen, and players are independently paid for individual winning hands. The underlying concept of Moody is quite different from that recited in the present claims.

Combining Moody with Ornstein severely changes the play of Moody, yet no direction or motivation is provided to change that game to the type of game recited in the claims of this Application. As noted above, Ornstein does not teach the placement of at least a single wager at the beginning of the game that is used with regard to initial game play, second game play, and bonus payouts. It is therefore unreasonable to assume that the combination of Moody and Ornstein can establish as obvious that method of game play. This is particularly the case where, as here, Moody does not even show consecutive games, play of games dependent upon success with previous games, and the award of bonuses for consecutive play. As Moody fails to show these features (even though Ornstein does show bonuses for multiple wins), it is impossible for Moody to overcome the deficiencies noted in the discussion of Ornstein. The combination of references fails to teach the invention as claimed.

It is to be noted that even though claims 1 and 15 were not amended as was claim 20, claims 1 and 15 specifically describe play as including:

“..resolving the at least one bet with respect to whether a) the first set of symbols and the second set of symbols exceed a minimum rank in the payout table; b) the second set of symbols exceeds a minimum rank in the payout table; and c) first set of symbols and the second set of symbols exceed a minimum rank in the payout table.”

*(emphasis added)*

This limitation requires that the at least first wager placed before receiving all of the first set of symbols is resolved with respect to play of the second set of symbols and the relative rank of both hands.

AMENDMENT

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It is clear that this rejection is in error and that all rejections should be withdrawn and all claims should be allowed.

CONCLUSION

All claims under prosecution are in condition for allowance.

The Examiner is invited to telephone Applicant's below-listed representative at (952) 832.9090 to facilitate prosecution of this application. Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231, on **JuLY 13, 2001**.

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Signature

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE is provided on the following attached pages.**



## POKER GAME WITH A PARLAY BET

### BACKGROUND OF THE INVENTION

#### 5    1. Field of the Invention

The present invention relates to a poker game suitable for use in casinos and other gaming establishments as a casino table poker game particularly in a version as an electronic poker game such as a video poker. The invention further relates to video gaming play where multiple sequences of play may be required with enhanced payouts  
10    for consecutive wins.

#### 2. Background of the Art

Games based upon variations of poker have attained enormous popularity as casino-type entertainment games, particularly in the past twenty years. The success of poker games in the gaming industry is partially based on the game's simplicity (i.e., there  
15    is widespread public knowledge of the game rules) and the fact that players feel more directly involved in exercising judgment in the play of the game. Furthermore, the technological innovations in computer gaming equipment allow for reasonably fair odds being provided to the draw poker player. Payouts are typically around 85-95%, and some casinos assert higher levels of payouts. The steady generation of revenue provided to  
20    casinos by the various poker games contribute to the game's popularity with casinos.

One possible limitation to a still broader expansion of poker in casino operations may be the relatively low hit frequency of the highest ranked reward, the Royal Flush (approximately every 40,000 hands), when compared to the apparent frequency of slot machine jackpots. Additionally, in many poker games, the most frequent events will be  
25    a push (e.g., a win that is equivalent to the amount of the original wager) or a loss of the initial wager. Although the addition of wild cards can increase the frequency of winning outcomes and increase the relatively high apparent rank of hands, the win or payouts will normally begin at a higher rank of hand (e.g., at least three-of-a-kind in some wild card games) and the amount of the payout (as a factor of the original wager) will usually

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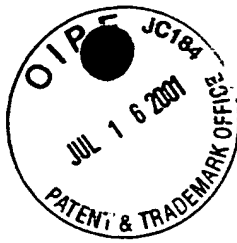
decrease with respect to each rank of hand. For example, in five card draw poker (with no wild cards) as compared to five card draw with one rank of card (e.g., deuces) wild, some comparative payouts would include:

5	<u>Hand</u>	<u>No Wild Cards</u>	<u>Wild Cards</u>
	Two pair	2X	0
	Three-of-a-Kind	3X	1X
	Straight	4X	2X
	Flush	5X	3X
10	Full House	8X	5X

and the like. The satisfaction of an increased frequency of higher ranked hands is diminished by the reduced payouts for those higher ranked hands.

Many variations of poker and especially draw poker have been developed for casino table games and for video games. Each of these game variations features its own set of rules and/or optimal player strategy. Some game variations attempt to increase the total game outputs and are represented by games such as "Deuces Wild Poker," "Joker Wild Poker," "Bonus Poker," "Double Bonus Poker," "Second Chance Poker," etc. Some games appeal to players by raising the payout percentage to 97% and even higher through an approach of providing bonuses for certain types of winning hands, such as Four of a Kind of Aces, Four of a Kind of Twos, Four of Kind of Threes, etc., as in Bonus Poker and Double Bonus Poker.

Another way in which casinos and gaming equipment manufacturers have attempted to increase the enjoyment and length of time that players spend at the gaming equipment is to add variety to not only the types of games played, but also to the format and strategy of the games played. For example, U.S. Patent No. 5,356,140 describes a game called Double Play poker in which a player is dealt two five card hands face up. The Player elects one of the hands to be played, and the winning outcome is based upon the play of the single hand chosen. Only one hand can be chosen for play. While this



determining the rank of the first hand of cards;  
comparing the rank of the first hand to a payout table;  
determining whether the rank of said first hand exceeds a minimum rank in the  
payout table (and optionally resolving that wagering event or indicating the resolution of  
5 that wagering event or waiting until the completion of further play before resolving this  
wagering event or wagering portion);  
receiving at least a second hand of cards from which a rank may be determined;  
determining the rank of the second hand of cards;  
comparing the rank of the second hand to a payout table;  
10 determining whether the rank of said second hand exceeds a minimum rank in the  
payout table (and optionally resolving that wagering event or indicating the resolution of  
that wagering event or waiting until the completion of further play before resolving this  
wagering event or wagering portion);  
resolving the at least one bet with respect to whether a) the first hand of cards  
15 exceeds a minimum rank in the payout table; b) the second hand of cards exceeds a  
minimum rank in the payout table; and c) first hand of cards and the second hand of cards  
both exceed a minimum rank in the payout table. The method may have all hands dealt  
from one or more decks of playing cards or a virtual deck or decks of playing cards. The  
deck of playing cards is most often a standard deck of fifty-two cards, but may comprise  
20 specialty decks of cards (e.g., a Spanish 21 <sup>TM</sup> deck of cards with the 10's missing, a  
canasta deck, a deck with wild cards, etc.). All ranks may be determined as poker ranks.  
All minimum ranks may be at least one pair. The at least one bet may comprise one, two  
or three bets. With three bets (three distinct wagering portions or segments, for  
example), one bet would be allocated towards a), one bet would be allocated towards b),  
25 <sup>one bet</sup> and would be one allocated towards c).

Another way of describing play of the game of the invention is as a method of  
playing a video wagering game with at least two consecutive hands of a card game being  
played comprising:

placing at least one bet;

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